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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 WESTERN DISTRICT OF TENNESSEE</p> <p>3 -----X</p> <p>4 AMERICAN SPIRIT AND CHEER</p> <p>5 ESSENTIALS, INC., et al.,</p> <p>6 Plaintiffs,</p> <p>7 -against- Civil Action No.</p> <p>8 VARSITY BRANDS, LLC, et al., 2:20-cv-02782</p> <p>9 Defendants.</p> <p>10 -----X</p> <p>11</p> <p>12</p> <p>13</p> <p>14 VIDEOTAPED STENOGRAPHIC DEPOSITION OF:</p> <p>15 ASHLEY B. HAYGOOD</p> <p>16 Wednesday, May 18, 2022</p> <p>17 10:06 a.m. - 4:57 p.m.</p> <p>18 Reported Remotely through Videoconference</p> <p>19</p> <p>20</p> <p>21</p> <p>22 Reported stenographically by:</p> <p>23 Richard Germosen, CA CSR No. 14391</p> <p>24 RDR, CRR, CCR, CRCR, CSR-CA, NYACR, NYRCR</p> <p>25 NCRA/NJ/NY/CA Certified Realtime Reporter</p> <p>NCRA Realtime Systems Administrator</p> <p>Job No. 2022-825466</p>	<p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3</p> <p>4 FALANGA & CHALKER</p> <p>5 BY: ROBERT A. FALANGA, ESQ.</p> <p>6 -and-</p> <p>7 BY: KOBELAH SVENSEN BENNAH, ESQ.</p> <p>8 11200 Atlantis Place #C</p> <p>9 Alpharetta, Georgia 30022</p> <p>10 (470) 450.1164</p> <p>11 robert@falangalaw.com</p> <p>12 kobelah@falangalaw.com</p> <p>13 Attorneys for Plaintiff,</p> <p>14 Ashley B. Haygood</p> <p>15</p> <p>16 BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ PC</p> <p>17 BY: KAREN LOTT GLOVER, ESQ.</p> <p>18 First Horizon Building</p> <p>19 165 Madison Avenue</p> <p>20 Suite 2000</p> <p>21 Memphis, Tennessee 38103</p> <p>22 (901) 577.8261 / (901) 577.2302 (FAX)</p> <p>23 kglover@bakerdonelson.com</p> <p>24 Attorneys for USASF</p> <p>25</p>
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<p>1 VIDEOTAPED TELECONFERENCED STENOGRAPHIC</p> <p>2 DEPOSITION of ASHLEY B. HAYGOOD, taken in the</p> <p>3 above-entitled matter before RICHARD GERMOSEN, Certified</p> <p>4 Court Reporter, (License No. 30XI00184700), Certified</p> <p>5 Realtime Court Reporter-NJ, (License No. 30XR00016800),</p> <p>6 California Certified Shorthand Reporter, (License No.</p> <p>7 14391), NCRA/NY/CA Certified Realtime Reporter, NCRA</p> <p>8 Registered Diplomat Reporter, New York Association</p> <p>9 Certified Reporter, NCRA Realtime Systems Administrator,</p> <p>10 taken via remote video teleconference on Wednesday, May</p> <p>11 18, 2022, commencing at 10:06 a.m.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 A P P E A R A N C E S: (CONT'D.)</p> <p>2</p> <p>3</p> <p>4 CLEARY GOTTLIEB STEEN & HAMILTON LLP</p> <p>5 BY: LINDEN BERNHARDT, ESQ.</p> <p>6 2112 Pennsylvania Avenue, N.W.</p> <p>7 Washington, D.C. 20037</p> <p>8 (202) 974.1511</p> <p>9 lbernhardt@cgsh.com</p> <p>10 Attorneys for the Varsity Defendants</p> <p>11</p> <p>12 LOCKE LORD LLP</p> <p>13 BY: KATHERINE WRIGHT, ESQ.</p> <p>14 2200 Ross Avenue</p> <p>15 Suite 2800</p> <p>16 Dallas, Texas 75201</p> <p>17 (214) 740.8488</p> <p>18 katie.wright@lockelord.com</p> <p>19 Attorneys for the Defendant,</p> <p>20 Jeff Webb</p> <p>21</p> <p>22 ALSO PRESENT:</p> <p>23 JOHN THOMAS, Legal Video Specialist</p> <p>24 TIFFANY TSUMPIS, VP/General Counsel, Varsity Brands</p> <p>25</p>

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1 book. All of the requests that, you know, involve
 2 myself have been reviewed. Like I said, I've taken
 3 a lot of time to think about this lawsuit.
 4 Preparing for this deposition. Going through and
 5 reading and, you know, reminding myself of things
 6 that have happened throughout the years.
 7 Gosh, producing what was produced
 8 took hours upon hours of looking and searching-type
 9 time. So I would say 30 to 40 is probably minimal,
 10 but that's my best guesstimate for now, 30 to 40
 11 hours for now.
 12 Q. And could you turn to tab one in your
 13 binder.
 14 MR. FALANGA: Hang on a second.
 15 A. Okay. I'm ready.
 16 Q. Okay.
 17 MS. BERNHARDT: We will mark this, if
 18 we haven't already, as exhibit two.
 19 (Whereupon, document entitled Class
 20 Action Complaint, is received and marked as Exhibit
 21 2 for Identification.)
 22 BY MS. BERNHARDT:
 23 Q. Do you recognize this document?
 24 A. Yes, ma'am.
 25 Q. Is this the first complaint that you

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1 filed in this case on July 24, 2020?
 2 A. Yes, ma'am.
 3 Q. Could you turn to page seven.
 4 A. Okay.
 5 Q. And do you see paragraph eight?
 6 A. Yes, ma'am.
 7 Q. And it says: Plaintiff Ashley
 8 Haygood is a natural person, resident of the State
 9 of Georgia, residing in the Northern District of
 10 Georgia?
 11 A. Uh-huh.
 12 Q. And that was referring to you?
 13 A. Yes, ma'am.
 14 Q. And then it says: Ms. Haygood is the
 15 parent of a schoolchild, paid competition entry
 16 fees, competition admission fees, purchased travel
 17 accommodations and insurance, purchased both
 18 competitive and scholastic cheerleading uniform,
 19 paid membership fees to USASF, and would be
 20 obligated to pay for cheerleading camps marketed by
 21 Varsity during the class period.
 22 A. Uh-huh, yes, ma'am.
 23 Q. Okay. And then about halfway through
 24 tab one, after the last page of this complaint, you
 25 should see a blue sheet of paper. Could you tell me

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1 if you find that? It should be after page 128 of
 2 the complaint.
 3 A. Okay.
 4 Q. And on the document after that blue
 5 sheet, do you see that document?
 6 A. I do, uh-huh.
 7 Q. Okay.
 8 MS. BERNHARDT: And we'll mark this
 9 as exhibit three.
 10 (Whereupon, document entitled Class
 11 Action First Amended Complaint, is received and
 12 marked as Exhibit 3 for Identification.)
 13 BY MS. BERNHARDT:
 14 Q. Do you recognize this document?
 15 A. Yes, ma'am, it's the amended
 16 complaint.
 17 Q. And this was filed on April 13, 2022?
 18 A. Yes, ma'am.
 19 Q. Could you turn to page seven of this
 20 document?
 21 A. Yes, ma'am.
 22 Q. Do you see where it says your name
 23 about halfway down the page?
 24 A. I do.
 25 Q. Okay. Where it says: Plaintiff

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1 Ashley Haygood, that's referring to you; is that
 2 right?
 3 A. Yes, ma'am.
 4 Q. Okay. If you turn to the next page,
 5 page eight, on what looks like line 10, do you see
 6 the sentence saying -- that begins: Her son played
 7 football?
 8 A. I do.
 9 Q. Okay. Could you read that sentence?
 10 A. Her son played football for Woodstock
 11 Middle School using athletic equipment, helmet,
 12 football uniform, and football cleats purchased from
 13 Varsity.
 14 Just that sentence?
 15 Q. Yeah.
 16 A. Okay.
 17 Q. And where it says -- when it says:
 18 Athletic equipment, what's the specific items that
 19 you're referring to?
 20 A. I would assume pads. I know he was
 21 given a set of pads every year like -- yeah, pads, I
 22 think they call them pads.
 23 Q. Okay. But you're not sure if that's
 24 what that's referring to?
 25 MR. FALANGA: Objection. Form.

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1 Oh.
 2 You can answer. Answer.
 3 **A. I am -- I'm not sure. It's been --**
 4 **he's in 11th grade now. It's been a little while**
 5 **since he was a middle schooler, but to the best of**
 6 **my recollection, he was also given pads. Kneepads**
 7 **and top pads. Oh, and a cup, a groin cup. That's**
 8 **all I can remember right now.**
 9 Q. What years did he play football for
 10 Woodstock Middle School?
 11 **A. Can I look at my calendar, please?**
 12 Q. Sure. That would be okay.
 13 **A. Okay. So it looks like he played --**
 14 **he was in 8th grade August of 2018. So he would**
 15 **have played 2018, 2017, and I think he sat out for**
 16 **his 6th grade year, or he might have sat out --**
 17 **yeah, I think it was his 6th grade year. He might**
 18 **have played all three. I can't remember. That boy**
 19 **has played a lot of football.**
 20 Q. So it would have been in the range of
 21 2016 to 2018?
 22 **A. Yes, ma'am, somewhere around there.**
 23 Q. Okay. And who purchased the
 24 equipment that he used?
 25 **A. Myself and my husband.**

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1 Q. And did you purchase it from the
 2 school?
 3 **A. Yes.**
 4 Q. So you paid the school for the items?
 5 **A. Yes, ma'am.**
 6 Q. Okay. Did you purchase items each
 7 year?
 8 **A. I paid the school each year and we**
 9 **received the items, so yes. I'm not sure.**
 10 Q. Okay. And when you paid the school,
 11 was it -- did you, you know, get an invoice for each
 12 item and paid for each item or was this a fee in
 13 which the items were included?
 14 **A. I really can't remember. I really**
 15 **can't remember. He also did recreational football**
 16 **before that and all of the years are really just**
 17 **mushed together.**
 18 Q. And about how much did you pay the
 19 school?
 20 **A. I don't even have a guess. I'm**
 21 **sorry. I just can't -- I can't remember.**
 22 Q. And how do you know where the school
 23 purchased the items from?
 24 **A. I mean, I want to say that's similar**
 25 **to the daughter's uniforms, but the tags says where**

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1 **it is coming from.**
 2 Q. But you're not sure?
 3 **A. I can't remember.**
 4 MR. FALANGA: Objection as to form.
 5 Q. Just let me try and understand your
 6 answer. You can't remember where the items came
 7 from or is this something else you can't remember?
 8 **A. No, the items came from the school.**
 9 Q. Okay.
 10 **A. I just don't remember how they got**
 11 **them or how we even got them to be honest. I'm not**
 12 **even sure that I was there all the time. A lot of**
 13 **times for football they released stuff to the kids,**
 14 **so mom pays a check and, you know, everything else**
 15 **kind of happens through practice.**
 16 Q. Uh-huh. Okay.
 17 And do you remember where the school
 18 got them from?
 19 **A. I -- I'm assuming Varsity. My**
 20 **recollection is that his stuff came from Varsity.**
 21 Q. Okay. And when you say you're
 22 assuming Varsity, what are you basing that on?
 23 **A. My recollection.**
 24 Q. And what's your -- and I'm sorry to
 25 ask again, but what's your recollection based on?

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1 **A. That his gear came from Varsity**
 2 **through the school.**
 3 Q. Okay. And maybe this will help.
 4 What I'm trying to understand is, is why you think
 5 the gear came from Varsity. So if there is
 6 something you remember seeing that you're basing
 7 that on, that's what I'm trying to ask.
 8 **A. I'm sorry. I don't remember.**
 9 Q. Okay.
 10 **A. I don't remember what made me think**
 11 **that it came from Varsity. I'm sorry.**
 12 Q. Okay. Thank you.
 13 So in the sentence before that that
 14 we were just discussing, you mentioned cheerleading
 15 camps.
 16 Do you see that?
 17 **A. Yes.**
 18 Q. Has your child attended cheerleading
 19 camps?
 20 **A. She has, uh-huh.**
 21 Q. Which camps?
 22 **A. The camps that she has attended thus**
 23 **far have all been through her gym, at her gym, or**
 24 **they've been through the school, at the school.**
 25 Q. So for the -- we'll talk about the